

Meredith
"Ole Miss."

New clipping -
Clarion Ledger,
Jackson, Miss.

2/22/63

Text of Speech by
Chancellor J. S. Williams,
"Ole Miss." in San
Francisco. (Thermo ^(Vreafos)
fax copy)

Sent to Mr. Dear
by Mr. Grah.

3/4/63

Vreafos

Memorandum

TO : John Doar
First Assistant
Civil Rights Division

DATE: Feb. 26, 1963

JAM
FROM : John A. Martin
Attorney

JAM:lw

File - Meredith

SUBJECT: University of Mississippi

The following sets forth the substance of a telephone conversation which I had with Chester Smith, Deputy Marshal in Charge in Oxford on Monday morning, February 25.

He and Mr. Meredith had just arrived back in Oxford about 8:30 a.m. that morning. They had left for Memphis on Saturday for the week-end. Mr. Meredith rode up and back with some of the deputies. Smith said that Mr. Meredith seemed to be in a very good mood as he has been recently.

Mr. Meredith has apparently been studying a good deal, at least Smith reports that he has been staying in his room most of the time. He has had a few visitors but evidently not many. His mail is also pretty light lately, his fellow-students firmly believe that when his mail falls off, Mr. Meredith calls a press conference. Smith reports that he has no conference scheduled as far as he knows.

Smith reported that campus life is pretty quiet. Mr. Meredith went to a ballet one night last week and no incidents occurred. One firecracker did go off one night last week in the vicinity of Mr. Meredith and occasionally he gets some comments from individual students. A table of four or five left the cafeteria Thursday night when Meredith came and sat near them at his accustomed place.

Smith said that the only official of the University he has dealt with is Chief Tatum and Tatum seems quite cooperative. The Campus Police appear to be doing their job and are on the scene at crucial times like the evening meal.

Mr. Meredith did say to Smith that he planned now to go to Summer School this summer. Smith said he did not pursue the conversation. Mr. Meredith plans to see his wife this week-end and that will probably be in Memphis, although he has stated that he might go to Jackson.

Smith had not been able to talk to the Army as yet about their moving since he had only been back in Oxford a short while.

According to your Letterhead Memorandum of January 8, 1963 (New Orleans, Louisiana), William Barbour, an attorney residing in Yazoo City, Mississippi, who admits to being a charter member of the Yazoo City Citizens' Council, has advised that on October 18, 1962, Patterson told the Yazoo City group that the Citizens' Council had sent the students \$121.00 worth of fire-crackers the previous week.

Please conduct an investigation of this matter. Determine the names and addresses of all persons present at the October 18 meeting and interview them fully in respect of all that took place there and what was said by Mr. Patterson and by other persons present. Obtain signed statements where possible. When interviewed by Special Agent Everett, J. Stanley Sanders, attorney, of Greenwood, Mississippi differentiated between the purchase of fireworks by the Citizens' Council as an entity and their purchase by individuals who are members of the Citizens' Council. (See p. 252 of the Report of S. A. Lawrence). The precise words of Mr. Patterson's remarks both to Special Agent Everett and at the Yazoo City meeting are therefore important.

*Not sent
Original is
White Citizens
Council file
2/27/63*

**Director
Federal Bureau of Investigation**

**Bucho Marshall
Assistant Attorney General
Civil Rights Division**

**BN:JD:lwr 144-40-254
11,001**

**Desegregation of University of
Mississippi**

On Sunday, February 10, a thirty-four pound package arrived at the bus station at Oxford, Mississippi, consigned to a man named Ragland. It was shipped from Jackson, Mississippi. The name of the shipper was Bill Smith, Jackson, Mississippi. We have reason to believe that this package contained a number of the attached copies of the "Rebel Underground". Please conduct an investigation to determine the author and publisher and financial source of this "Rebel Underground".

The purpose of this investigation is to determine whether the people responsible for this are covered by the injunctions of the District Court and the Circuit Court of Appeals in the case of Meredith v. Fair which enjoins a number of individuals, state officials and all persons acting in concert with them from interfering or obstructing in any way with Meredith's right to attend the University of Mississippi.

A second purpose of this investigation is to determine whether the source of this copy of the "Rebel Underground" is the same source as has engaged in other tactics of obstruction and interference of the District and Court of Appeals injunctions in Meredith v. Fair.

cc: Records
Chrono
Boar
Trial File (Room 1140)

August 6, 1963

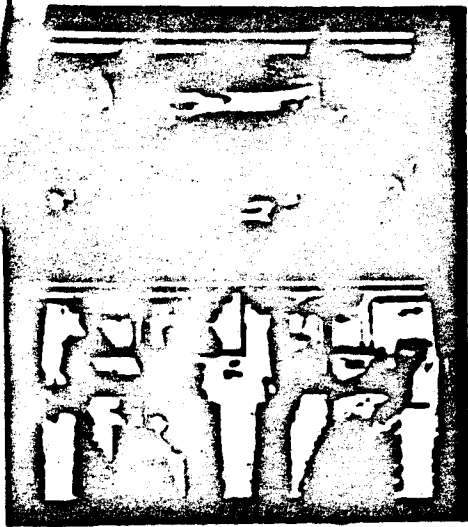
Re; Meredith - Ole Miss

While I was with Mr. Wells in Holmes County looking at registration records, he told me that when Cleve McDowell was getting ready to enter the University the following people tried to get Governor Barnett to go to the University and upset things: Nat Williams, Bill Simms, Beard of the T.V. station and Charles Coburn.

At the same time he said the following persons were ~~xxx~~ working on Governor Barnett to do nothing: Goodman, Watkins, Barnett's Executive Secretary, General Patterson and Wells.

He said that M. M. Roberts took the position that the Governor should not close the law school. He also said that after Barnett did this the Citizen Council people turned against him.

John Doar



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UNIVERSITY

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Memorandum

TO : John Doar
First Assistant
Civil Rights Division

DATE:
September 16, 1963

FROM : Denis Dillon
Attorney
Civil Rights Division

DED:swb

144-40-254
11,801

SUBJECT: Oxford Riots Files

All the Oxford Riots material is now in the files and catalogued.

The FBI is still conducting their investigation to identify people in the photographs. I sent them a number of photographs taken by William Leaptrott of the Memphis Press Scimitar and Curt Best of the Louisville Times last week. When this material comes back, if there is any problem cataloguing it or if the system for keeping track of the people identified and the people who can authenticate the pictures at the trial is not understood I will come down and explain it to whoever handles the matter.

I did not get a chance to look at the rest of the movies in your office. If you would still like me to look at them at any time and write a summary of what is on them I will do so.

Denis E. Dillon

A REPORT

By the

GENERAL LEGISLATIVE INVESTIGATING COMMITTEE

of the

MISSISSIPPI STATE LEGISLATURE

concerning

THE MISSISSIPPI STATE LEGISLATURE

DEPARTMENT OF JUSTICE, UNITED STATES

FOR RELEASE AT
10:00 a.m., CST, Wednesday, May 3, 1960
This is to be held in confidence, and no
release or comment made prior to the
above release date.

State of Mississippi

CENTRAL LEGISLATIVE INVESTIGATING COMMITTEE

1954

WALTER H. HESTER, Chairman

Madison, Mississippi

WALTER H. HESTER, Chairman

Madison, Mississippi

WALTER H. HESTER, Chairman

SENATOR JAMES M. HAYNES

Madison, Miss.

Madison, Mississippi

SENATOR THOMAS W. LUTHER SIMS

Madison, Mississippi

SENATOR JAMES B. PATTER

Secretary

Madison, Mississippi

LEGISLATIVE WALTER H. HESTER

Madison, Mississippi

SENATOR DENNIS M. BAKER

Eastville, Mississippi

JOHN C. SATTERFIELD, Yazoo City, Mississippi

DAN H. SHELL, Jackson, Mississippi

Counsel for Committee

TO: THE GOVERNOR OF THE STATE OF MISSISSIPPI, and
THE MEMBERS OF THE MISSISSIPPI LEGISLATURE:

After spending months hearing testimony of more than ninety witnesses, examining hundreds of pages of documentary proof and reviewing voluminous public records material to the tragic events which occurred at the University of Mississippi on September 30, the Committee transmits to you herewith its report in order that a permanent and official record be made of what occurred and a determination made of what corrective legislation may be desirable.

However, the Committee hopes this report will perform a broader service. We have approached the study of the events at the University of Mississippi on and after September 30 with the realization that this is not an isolated incident but part of a nation-wide pattern of government which is now evolving. What was done and how it was done (to obtain the end sought within the time desired) is of more importance in determining what may be expected in the future than in recounting what has occurred in the past. It fits into a pattern of government which is evolving upon the American scene. Every citizen of the United States should realize the significance of that pattern.

"The End Justifies the Means"

As detailed in the report, there were pending undisposed of on September 30, 1962, in the Meredith case, three judicial processes with hearings set for October 2, October 5, and October 8, respectively. Two of these processes had been initiated by the Attorney General of

the United States. Nevertheless it appeared that a completion of these processes, even if successful, would consume several weeks or perhaps even several months. The Attorney General decided that "the end justifies the means," abandoned these processes and used overwhelming armed forces to attain the end sought within the time desired. The Committee does not attempt to state the motives or reasoning which prompted such action but calls your attention to the following factors existing on September 30 which involved the element of time:

1. The national elections were to be held within five weeks, prior to the time a final determination of the pending judicial proceedings (whether favorable or unfavorable) could reasonably have been expected to be obtained. Numerous Democratic candidates for the Senate and House of Representatives were up for election. These included a brother of the Attorney General and the President who was a candidate for the Senate in Massachusetts. The results of such elections would be final, and would be influenced by political pressure groups, one of which (the NAACP) had utilized James E. Meredith as its litigant.

2. The Department of Justice has attempted to justify its haste by the fact that registration of students for the fall semester at the University of Mississippi was about to close, according to routine procedure. However, such time limit was subject to extension by order of the Court. Even if the delay had prevented the registration of Meredith for the fall semester, the next semester would begin several months later. In the meantime, the only "hardship" entailed would have been for Meredith to continue attending Jackson State College at Jackson, Mississippi, a state institution at which he was a student at that time.

The Committee has not attempted to determine the relative weight accorded each factor by the Attorney General.

Under these circumstances the Attorney General of the United States abandoned the pending judicial processes, assembled more than 500 armed persons to be deputized as marshals and used as a military unit and obtained Executive Orders under which more than 22,000 troops were called into action. As detailed in the attached report, these actions have already cost the Department of Justice and the Department of Defense more than \$4,659,000, and the cost is continuing.

Raw Political Power

The fundamental but little recognized issue in government today is whether the American people will permit the executive branch of the federal government to pervert to political purposes its vast power in the regulation and financing of business and industry and the financing of homes, schools, public services of states and municipalities and the subsidizing of persons through social security, unemployment compensation, veterans' and pension benefits. One link in the chain was forged by Attorney General Kennedy, who, on October 7, 1962, was quoted in the London Sunday Times as saying:

I have been talking this week to the top executives of forty important business firms whose central offices are not in the South but who have branches and investments in Mississippi, and have asked them to use their influence, either by persuasion or by threatening to curtail their investments in Mississippi....

The almost unlimited financial power of the federal government is now being perverted to attain the ends desired by political and governmental leaders. Funds appropriated for legitimate purposes and being expended under authorization from Congress are being used as a lever to attain political ends. On the same date, Attorney General Kennedy said, as quoted in the same report:

The Federal Government is spending about 650 million dollars in Mississippi, even though the state pays only 350 million

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dollars in federal taxes. There are possibilities of withholding some Federal money from Mississippi, but it's a lever that must be handled with great delicacy.

Following the pattern set in April, 1962, in connection with the proposed increase of steel prices, intimidation of the leaders of Mississippi was attempted by the Attorney General. He castigated "local newspapers, radio and television stations, politicians, businessmen and most of the clergy" in Mississippi, because they did not agree with him. In his interview with the London Sunday Times he was quoted as saying that, "One of the troubles is that the University of Mississippi officials are weak men." He accused the lawyers of Mississippi as lacking courage for their "failure to help win public acceptance of court decisions on school desegregation and other civil rights issues." It appears that freedom of speech and freedom of dissent must be destroyed if it is contrary to the desires of the political leaders.

This facet of the pattern began evolving in the spring of 1962, in an entirely different context and an entirely different section of the United States. In April, certain steel companies proposed to increase the price of steel. The executive branch of our government did not approve the steel price increase. There was no legislative grant of power, no constitutional right of price control conferred upon the executive. Nevertheless those citizens who made the price decisions (in that case private industrialists and not public officials) were accused by our Chief Executive through nation-wide media of being guilty of "a wholly unjustifiable and irresponsible defiance of public interest." He castigated them as "a tiny handful of steel executives whose pursuit of private power and profit exceeds their sense of public responsibility"

who "can show such utter contempt for the interests of 185 million Americans." It was publicly announced that defense contracts might be withheld and the federal government would use its investigative powers to bring about prosecutions for "violations" of antitrust laws. Governmental investigative agents awoke citizens at two o'clock and three o'clock in the morning. Thereafter, threats were made to use the process of "citations for contempt" against officials of steel companies when they took the position that certain of their records were confidential and not subject to examination by public officials. However, in this instance hundreds of marshals and thousands of troops were not used. Such action was not necessary to attain the ends sought, in the manner and within the time desired. The pattern of government by usurpation of power and by personal and financial intimidation was set.

The Planned Federal Take-Over

In order to attempt to obtain a picture of the broad plan of the extension of federal power, the Committee has reviewed the 1961 Report of the United States Commission on Civil Rights consisting of five basic volumes, supplemented by a sixth volume in the nature of a summary to which we refer below. This report is being utilized as a blue print for the extension of federal power in the most important phases of state and local government and of the lives of individual citizens. The methods followed in the Meredith case had a pattern which is discernible in all phases of the broad program envisioned by the Commission on Civil Rights. The 1391-page report recommends extension of federal control in Housing, Elections, Education, Law Enforcement, and Employment.

1. The Commission recommends federal supervision and control of approximately 90 per cent of homes and homebuilding in the United States, as detailed on pages 74-77 of its Report. This has been partially effectuated by Executive Order 11063 issued by President Kennedy on November 20, 1962, which it is estimated will affect about one-third of homes and homebuilding. This Executive Order was issued in spite of the fact that Congress had repeatedly defeated attempts to grant the right to take similar action by legislation. This federal action will invade all phases of home ownership including, in the words of the order, "the sale, leasing, rental or other disposition of residential property and related facilities (including land to be developed for residential use) and the occupancy thereof." Federal personnel (with criminal and civil penalties available) will be looking over the shoulder of every citizen when he buys lands to be developed for residential use, buys or builds a home, rents a room in his home, or sells his home. These recommendations are presently limited to the field of race.

2. The federal government would take over from state and local authorities all steps in the election of local, state and federal officials as detailed on pages 21 to 24 of its Report. This would include the determination of all voter qualifications, the registration of voters, the counting of votes, the establishment of voting districts for state and federal elections, the establishment of electoral districts for the election of state and federal legislators, with civil and criminal penalties for any action or inaction which federal personnel claim to be arbitrary. This action is not limited to the field of race. President Kennedy has recently recommended to Congress legislation to effectuate the first step in this program.

3. The administration of justice by all local and state law enforcement officers and courts would be supervised, regulated and controlled by the federal personnel as detailed on pages 86 and 87 of Volume 6 of the Commission's 1961 Report. Federal control would extend from the first telephone call by a citizen asking police protection through the arrest, arraignment, indictment, trial, sentence and imprisonment of the criminal. Civil and criminal penalties would be held over the heads of every state and local law enforcement officer in the United States. This action is not limited to the field of race.

4. A federal agency would be created to supervise the administration of all grammar schools, high schools and colleges in the United States supported by local and state funds (four members of the Commission wish to extend this to private educational institutions); every local board of school trustees in the United States could be required to file periodic reports with the agency; conformity to the desires of federal personnel would be forced by civil and criminal penalties; federal employees would be sent into the local school districts as "social workers" and "technical workers"; federal bodyguards would be provided "to protect the school board members... supervisory officials and teachers ... from bodily harm, harassment, intimidations and/or reprisals by officials or private persons" (it is not specified whether these bodyguards would be federal marshals or federal troops). Although the present recommendation is limited to the field of race, the Commission finds on page 97, Volume 6, that its "recommendations for federal action... by no means exhaust the needs and possibilities for improvement."

5. In business and industry, the Commission recommends procedures supported by civil and criminal penalties for the manipulation, control and regimentation of employment at the level of both the employer and

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employee by federal personnel under the direction and control of the political party then in power. On pages 59 to 62 of Volume 6 appear the recommendations concerning labor organizations, employers, employment and training and recruitment which include the establishment of a federal agency to police and control employment created or supported by "government contracts and federal grant funds", "all federally assisted training programs and recruitment services" and "membership in and activities of labor organizations affecting equal employment opportunity or terms and conditions of employment with employers operating under government contracts or federal grants-in-aid." These recommendations are presently limited to the field of race. While a thread of federal financing or relationship runs through these recommendations, the next presently undisclosed step would be to apply such civil registration and federal regulation to all employers and employees engaged in interstate commerce. The words of the Commission appearing on page 97 of Volume 6 are prophetic: "Currently, the Commission had made a number of recommendations for federal action, but these by no means exhaust the needs or possibilities for improvement."

It Can Happen Anywhere

The Committee has detailed these matters outside the scope of its immediate investigation because what has happened in Mississippi is an illustration of what may happen to any individual in the United States or any State when the desire of the Attorney General of the United States or the President of the United States may be opposed by a State or an individual. As was said by the editor and publisher of the Manchester, New Hampshire, Union Leader concerning actions of the federal marshals in the classrooms of the University of Mississippi:

It can happen here--you may say this is remote from you, since you are not in Mississippi, but if federal marshals can use this sort of illegal and unauthorized force to keep a group of students sitting in a classroom where they don't want to sit, in Mississippi, they can do it to you right here in New Hampshire--and your freedom is gone.

Conclusion

The matters above set forth extend beyond the power of the Legislature of the State of Mississippi. The most that this Committee can do is to point out the dangers which exist. We call your attention to the findings and recommendations set forth in our report for your consideration in connection with possible legislation affecting the State of Mississippi and its citizens.

GENERAL LEGISLATIVE INVESTIGATING COMMITTEE

Representative Russell L. Fox, Chairman

Senator George M. Yarbrough, Vice Chairman

Senator Frank D. Barber, Secretary

Representative W. Luther Sims

Representative Walter M. Hester

Senator Dennis M. Baker

A REPORT
to the
GOVERNOR OF THE STATE OF MISSISSIPPI
and
THE MEMBERS OF THE MISSISSIPPI LEGISLATURE

Under Chapter 231 of the Laws of 1946, as amended by Chapter 306 of the Laws of 1950, this General Legislative Investigating Committee is charged with the duty to conduct investigation of state offices, departments, agencies, institutions and instrumentalities, and of the administration and enforcement of laws by such officers, agencies, departments, institutions and instrumentalities. This duty includes the study of present laws relating to such entities and making recommendations to the Legislature as to the correction of any imperfection, inequities or injustices found in such law, and to report its findings to the Legislature of the State of Mississippi as to all matters included within its general power.

In pursuance of its duty this Committee began a study in depth October 16, 1962, of the events which occurred on the campus of the University of Mississippi and in the City of Oxford on September 30, 1962, and the days following. The Committee is in agreement with the statement of President John P. Kennedy quoted in the Allen-Scott Report of October 9, 1962, in response to an inquiry from a member of the United States Senate, "What about Oxford?":

"It was a tragic chain of events and errors," replied the President. "...the U. S. marshals were inexperienced and blundered in their use of tear gas. It was a very sad day."

It was a very sad day. The Committee and the political, business, professional and educational leaders of Mississippi believe in law and order and the use of judicial processes to determine and enforce the rights of parties to any litigation. We believe in the maintenance of peace and prevention of violence. We do not condone the violence and rioting at the University nor the provocations which precipitated them. We have respect for our courts, both state and federal. But we believe in court orders being enforced by judicial process against the persons found thereby, and not by armed force during the pendency of litigation.

The Committee's investigation included an examination of the findings in the above statement by President Kennedy. The extent to which each of the findings is supported or disproved is fully detailed in this report. The scope of the investigation of the Committee, which included taking 2000 pages of sworn testimony from state and county officials, state and local law enforcement officers, members of the faculty and staff of the University of Mississippi, students and many other citizens, is hereinafter described.

The Committee also had before it the corroboration by Deputy Attorney General Nicholas de B. Katzenbach of that part of President Kennedy's statement, "... the U. S. marshals were inexperienced and blundered in their use of tear gas," when he stated in the Hall of the Lyceum Building on the campus of the University of Mississippi within five minutes after tear gas was fired by the marshals:

"We are sorry, somebody jumped the gun."

This statement was made by Mr. Katzenbach (who was placed in charge of the chain of command in the field by Attorney General Robert F. Kennedy) to Mr. Gwin Cole, Assistant Director of the Bureau of Identification of the Mississippi Highway Patrol, a graduate of the National Police Academy (a Law Enforcement Officer's School conducted by the Federal Bureau of Investigation, a bureau of the United States Department of Justice), when Mr. Cole stepped back into the building after seeing tear gas fired, and protested its use.

Every phase of this operation was under complete and exclusive control of Attorney General Robert F. Kennedy, acting through Mr. Nicholas de B. Katzenbach and his chain of command and the United States Army under President John F. Kennedy as Commander in Chief, with Brigadier General Charles E. Billingslea as Field Commander. It was officially designated by federal authorities as "OPERATION RAPID ROAD." The officials of the State of Mississippi, the University of Mississippi and the Mississippi Highway Patrol had no control over what was to be done or how it was to be carried into effect.

As fully discussed hereinafter, Attorney General Kennedy precipitated the crisis at the University of Mississippi when he abandoned those judicial processes which were pending undetermined on September 30, two of which he had invoked. The position for wife of coregiment in the original Meredith case was pending undispensed of on the docket of the Supreme Court of the United States, and the Court was scheduled to meet October 6. A motion to dismiss the restraining order obtained by Attorney General Kennedy against Governor Barnett in the Court of Appeals of the Fifth Circuit was set for October 5. A hearing on a citation for contempt issued against Governor Barnett upon the restraining order was set for October 2. Unwilling to await the outcome of these judicial processes, Attorney General Kennedy rushed in more than 500 armed marshals and more than 12,000 troops to obtain the immediate registration of James H. Meredith by the illegal use of military forces.

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found

SCOPE OF STUDY BY THE COMMITTEE

The study by this Committee included the taking of more than 2000 pages of sworn testimony by approximately ninety witnesses, the examination of all available proclamations and public statements of Governor Ross R. Barnett, Lieutenant Governor Paul B. Johnson, President John F. Kennedy, Attorney General Robert F. Kennedy and Deputy Attorneys General of the United States, scores of written documents (including the evidence furnished by Secretary of the Army Cyrus Vance and Attorney General Kennedy and the Mississippi National Guard) and numerous reports and other material. Unless reference is made to proclamations and public statements of officials, the findings of the Committee as to material happenings are supported by the sworn testimony of six or more witnesses and as to individual incidents by the sworn testimony of two or more witnesses, with the exception of a few of the individual instances listed concerning which additional witnesses were not available, or did not exist.

Due to the pendency of criminal contempt proceedings against Governor Ross R. Barnett and Lieutenant Governor Paul B. Johnson of the State of Mississippi, it has been necessary for the Committee not to include in this report matters peculiarly within their knowledge, nor to attempt to determine facts or reach conclusions which might be inappropriate in view of the pending proceedings.

The Committee has been cognizant of the action taken by the Southern Association of Colleges and Schools which has placed all of the state institutions of higher learning in Mississippi on "extraordinary status" in the Association, and that the Association has stated that "any encroachments by ... investigating committees or other agencies, as judged by normal standards, upon the freedom of the faculty, the administration or the students to learn and teach ... will be considered by the Commission cause for immediate and rigorous re-examination of the accredited status of the institutions." The investigation by this Committee of the events which occurred do not in any way encroach upon the freedom of the University in any of its phases. Nevertheless, in order that there could be no misunderstanding or misconstruction of the work of the Committee, it has largely restricted its questioning of members of the faculty to those performing duties of an administrative nature on September 30 and immediately thereafter.

After the Committee had taken testimony and freely heard all available witnesses (recently spending approximately a week on the campus of the University), a member of the faculty who had not offered to testify before the Committee nor advised the Committee of the names of any witnesses, wrote a letter to one of the daily newspapers in Mississippi stating he had the names of 50 witnesses. This was after the Committee had announced it had completed its study of the matter. The Committee is familiar with the fact that there were hundreds of people who witnessed numerous events on the campus on the afternoon and evening of Sunday, September 30, 1962. It is of the opinion, however, that it is neither desirable nor necessary to involve members

of the faculty of the University of Mississippi in this investigation who were not performing administrative functions in behalf of the University on the afternoon and evening of September 30, and in connection with the events which occurred immediately thereafter.

The study of the Committee has covered the actions taken by the Board of Trustees of Institutions of Higher Learning, the Chancellor of the University and his administrative staff, the Governor, Lieutenant Governor and Attorney General of the State of Mississippi, the Mississippi Bureau of Investigation, the small police force maintained by the University of Mississippi, and the law enforcement officers who participated in helping to attempt to maintain peace and prevent violence at the University. It has included a study of the actions of President John F. Kennedy and Attorney General Robert F. Kennedy and of Deputy Attorney General Nicholas de B. Houderwood, Justice Department, Dr. Mickey Director Ed Hoffman, Assistant Attorney General Jean Dean, Assistant Attorney General Jerome Scales, and other assistants of Mr. Kennedy, Chief United States Marshal James P. McInerney and his assistants in charge of the penitentiary guards, police sergeants and other persons designated as United States Marshals, the Mississippi National Guard and the military forces of the United States, and other representatives of the federal government. The members of the Committee, Mr. Cyrus Vance, Secretary of the Army and Attorney General Robert F. Kennedy (through Mr. Katzenbach) have furnished all material evidence requested by the Committee, although Attorney General Kennedy declined to furnish the names of the "marshals", and a few material evidence requested was not furnished. The Committee did not call as witnesses the few marshals whose names are known to it or representatives of the Attorney General's office, as Section 3365-03 of the Code of Mississippi provides that immunity from prosecution would result from a person being subpoenaed as a witness.

It is not the function of the Committee to attempt to evaluate the merits of the case of Meredith v. Charles H. Fair et al. originally filed in the United States District Court for the Southern District of Mississippi, nor the original proceeding filed in the Court of Appeals of the Fifth Circuit against Governor Ross B. Barnett and Lieutenant Governor Paul B. Johnson by the Department of Justice of the United States. These will be discussed only insofar as the facts shown on the public records may be pertinent. All references to positions taken in such proceedings by the State of Mississippi and its Governor or Lieutenant Governor or Attorney General are taken from the pleadings filed and briefs filed in such proceedings which are a part of the public record.

References to agreements made by the Governor of Mississippi or its Lieutenant Governor in connection with the Meredith case are to the preventing violence at the time of or after the public reaction of James Meredith at the University of Mississippi and, unless the present circumstances mentioned above, based upon public statements heretofore made by such officers. All such findings are, however, fully supported by the evidence which has been assembled by the Committee and considered by it in preparing this report.

In making this investigation the Committee is faced with the fact that the Mississippi National Guard was federalized, 556 Federal employees were assembled, sworn in as "deputy marshals" and used as a military unit, and between 12,000 and 22,000 United States Army troops were utilized in Mississippi. The Committee considers that these actions and the actual use made of all such federal armed forces were unconstitutional and illegal and violated the rights of the State of Mississippi and of its citizens. The detailed discussion of such actions in this report does not in any manner constitute a condemnation thereof. As this Committee is not a judicial body nor is it the legal arm of the State of Mississippi, it will discuss only briefly the questions of law inherent in the unconstitutionality and illegality of the action by the Attorney General and the President of the United States.

When President John F. Kennedy, at the request of Attorney General Robert F. Kennedy, deprived the Governor of Mississippi of the only substantial force available to him to maintain order in his state, the grave responsibility thus assumed should have been exercised with the greatest care. The Committee finds, as herein detailed, that had this been done the tragic events at the University of Mississippi would never have occurred.

References in this report appearing as (100) or (A-100) are to the pages of the more than 2,000 pages of sworn testimony in the records of the Committee. These references are limited to individual occurrences, as reference to testimony supporting general courses of conduct and general situations would be so voluminous that they would excessively burden this report.

We will first consider the actions of the "U. S. Marshals" demonstrating the correctness of the President's statement that they were "inexperienced". These facts also demonstrate shocking brutalities and innumerable violations of civil rights of students and other citizens.

OPERATION RAMP ROAD THE VIOLATION OF CIVIL RIGHTS BY THE DEPARTMENT OF JUSTICE

The occupation of the campus of the University of Mississippi on September 30, 1962 (which was officially designated OPERATION RAMP ROAD by the federal authorities) was upon direct orders of Attorney General Robert F. Kennedy, under the personal supervision of Deputy Attorney General Nicholas de B. Katzenbach, assisted by Mr. Ed Guthman, Publicity Director for the Department of Justice, Chief United States Marshal James McShane, Mr. John Doar, Mr. Norbert Schief, and other members of the staff of the Department of Justice. This line of command was supported by 97 penitentiary guards, 336 border patrolmen and 123 deputy marshals, all of whom are said to have been deputized for the occasion as deputy marshals. The events which occurred cannot be understood unless the actual conduct of the personnel utilized is

considered to comprehend their nature and their complete lack of training and experience. A pattern of treatment of students and other citizens followed from and including the first firing of gas, through the events of Sunday, September 30, during the day and evening of Monday, October 1, and subsequent thereto. This pattern is best understood when considered in three categories:

1. The treatment accorded on Monday night and Tuesday to citizens detained in a garage adjoining the Soil Conservation Laboratory near the campus used as a detention stockade. Up to 100 people at one time were confined therein. At that time violence had ceased and the entire area was under complete control of the marshals and the military.

2. The treatment accorded students and other citizens after they had been seized on the campus of the University of Mississippi and taken into the Lyceum Building Sunday night and Monday. Here they were confined in a basement 17 feet by 40 feet (at times heavily contaminated with gas) in numbers up to more than 25 at one time.

3. The treatment of students on Monday morning after order had been restored and all violence had ceased, when they were taken into custody on the campus of the University on the way to class rooms, University buildings or passing through the campus.

The treatment of University officials, campus policemen, highway patrolmen and students near the University campus on the evening of Sunday, September 30, and the early morning of Monday, October 1, is discussed in another section of this report. Treatment of citizens in the vicinity of the University on October 2 is also discussed in another section of this report.

In an attempt to give a clear picture of the treatment of students and other citizens by the Department of Justice of the United States and its representatives, the Committee will first give the pattern of treatment followed in each of the three categories, followed by some of the individual instances illustrative of such pattern. Space will not permit the recitation of all such incidents. The general nature and type of treatment of those who were seized and taken into custody is supported by the sworn testimony of six or more witnesses. The treatment of individuals while incarcerated in the basement of the Lyceum Building and in the garage of the Soil Conservation Service and the treatment of individual students and other citizens before they were incarcerated in either of the places of detention are supported by the sworn testimony of two or more witnesses, with the exception of a few instances in which the sworn testimony of only one witness was available. General reference to "marshals" includes penitentiary guards and border patrolmen acting as deputy marshals.

1. Treatment of students and other citizens in the Soil Conservation garage Monday night and Tuesday, after the entire area was under control of the marshals and the military and all disturbances had ceased.

Order was restored on the campus before 7:00 a.m., Monday, October 1. After 5:30 p.m. on Monday the Justice Department set up a stockade or place of imprisonment in a garage adjacent to the Soil Conservation Laboratory. The garage had a concrete floor, one end was open to the weather. It was not equipped with lights. Marshals were placed in charge of this place of detention and Chief Marshal Williams visited this spot several times. To this place of imprisonment there were taken between 100 and 150 persons. Some were transported to this garage from the basement of the Lyceum Building, being told by the marshals they were to be taken to where bunks and food would be provided. Others were brought there after being seized on Monday or Tuesday by either marshals or members of the military forces. All disturbances had ceased before any persons were imprisoned in this garage. The persons seized varied in age from 14 or 15 years old to more than 60 years of age.

Some had been badly beaten, others were ill. All persons, regardless of age or physical condition, were forced to sit on the concrete slab for periods up to 20 hours, with their knees drawn up toward their chests, their hands clasped around their knees, their eyes to the front, without turning their heads or speaking to anyone. This was planned and executed as physical torture.

During the night of Monday, October 1, the marshals on duty changed shifts every two hours. During the entire night the marshals walked up and down between the rows of prisoners in pairs throwing flashlight beams upon them to prevent them from going to sleep or obtaining any rest. When a prisoner moved his head from a direct front angle or spoke to any other person and was observed by a marshal, he was either clubbed or kicked by the "marshals".

If a captive fell asleep or became cramped and moved his hands from around his knees, or changed the position of his legs as he was seated upon the torture slab and was seen by the "marshals", he was struck with a club or kicked, and threatened with further beatings.

Some prisoners who fell asleep or changed positions were forced to place their hands above their heads, leaning tip-toe with their faces to the wall; then they were beaten, jabbed in the back and their feet kicked out from under them. Others were jabbed in the kidney or the groin with the marshals' clubs.

Several young boys between 12 and 15 years of age, some older men and members of a wedding party dressed in wedding attire, as well as disabled veterans of World War II were thus treated.

Medicine required by one or more captives was confiscated. A disabled veteran begged the marshals for his medicine (required to prevent jerking and blackout spells) and they refused to give it to him. When he suffered from one such spell for lack of medicine, he was clubbed and manhandled.

Persons thus incarcerated, who appeared before this Committee, were denied the right to make any telephone call or contact any person and were given no food until they were interrogated by FBI agents, between two o'clock and five o'clock Tuesday afternoon.

A few of the individual instances of mistreatment by the marshals in the garage are as follows:

(a) An 18-year-old boy went to sleep. A marshal pulled him up, hit him on the forehead with a club, two other marshals joined them, pushed the boy against the wall, struck him in the throat and jabbed him in the groin with clubs. (A-86, A-79 to A-118, A-23)

(b) A captive's hands became cramped and one of his hands dropped off his knees. One marshal hit him across the back with a club and another jabbed him in the kidney. (A-470)

(c) A young boy went to sleep. He was first beaten on the floor by the marshals, then they stood him up against the wall and beat him some more, and when his father protected, he was also beaten. (A-470, A-23)

(d) A sophomore, after having been held in the Lyceum Building all night, had been beaten about the body and beaten so badly on the head that sixteen stitches were taken in the wound. After being released, he was again seized and taken to the garage. When, through loss of blood and exhaustion, he was unable to maintain the required position on the torture slab, he was twice clubbed on the back by the marshals. (A-406, A-397)

(e) One prisoner who was ill begged for his medicine and was refused, and he passed out twice and each time the marshals kicked him in the mouth and forced him to sit back in the required position. (A-413, A-397, A-79 to A-118)

(f) A disabled veteran had a pin in his knee so that he could not bend it up under his chin. The marshals changed shifts every two hours. Several times he was clubbed on this leg by marshals when they saw it extended in the row. (A-23, A-470, A-79 to A-118, A-368)

(g) Several prisoners who failed to maintain the prescribed position on the torture slab were forced to stand with their faces to the walls, hands above their heads, on their toes, and the marshals kicked their feet from under them so they fell on their faces on the concrete. (A-412, A-470, A-397)

2. Treatment by marshals of students and other citizens in the Lyceum basement on Sunday night and Monday.

During the night of September 30 and the day of October 1, students and other persons seized were taken to the basement of the Lyceum Building on the campus of the University. At one time between

100 and 150 captives were crowded into this room 17 feet by 40 feet in size. The marshals wore gas masks but none were given to the captives, who suffered severely from the presence of tear gas during a large portion of the time they were held in this basement. Prisoners were held in this basement up to as much as 18 hours, through the night of the 30th and the day of October 1, and some were then transferred to the Soil Sedimentation garage and handled there as outlined elsewhere in this report.

Prisoners, who were bleeding after having been badly beaten and in need of medical treatment, were held for as much as six hours without being given any medical attention. Requests to use the telephone, to be permitted to go to the toilet, or to call a lawyer, were frequently met with either being knocked to the floor with fists or hit with billies. Later captives were permitted to go to the toilet and upon demand of the University authorities, to use the telephone. While some of the prisoners were permitted to sleep sitting on the floor, others were kicked by the marshals when they went to sleep. Some of the students taken to the Lyceum basement were forced to stand on tip-toe leaning against the wall with their backs to the marshals, and then were either jabbed in the back or their legs were kicked out from under them after having been struck on the legs with clubs. A number of students, as they were taken down to the Lyceum basement, were either hit on the shins or back with the butts of the marshals' sidearms and with their clubs. Students were spit upon and repeatedly cursed by the "marshals". From time to time at the end of the hall leading to the basement the students were struck severely on the shins, jabbed or hit on the back with night sticks or kicked on the legs.

A few of the instances of mistreatment by marshals in the Lyceum basement are as follows:

(a) A University freshman, after being clubbed across the back of the neck with a billy, was kicked a number of times by the marshals. (A-556)

(b) One of the prisoners found a spot where he could lie down and sleep in the crowded basement and he was kicked in the stomach by a marshal. (A-195, A-423, A-440)

(c) A boy who had been badly beaten about the head and was bleeding from the head asked for water and when he went to the water fountain and bent over to drink, the marshals grabbed him by the hair and shoved his head in the fountain, although he was bleeding from the head at the time. (A-293)

(d) A student approached a marshal and asked to be permitted to call a lawyer and the marshal slugged him in the face with his fist and knocked him to his knees. (A-313, A-79 to A-118)

(e) A student asked a marshal to be permitted to use the telephone, and he was hit by the marshal with a club and knocked to the floor. (A-322)

(f) One of the students went to a marshal at the door of the basement and while he was talking to him, another marshal came up and they both grabbed the student and beat him with their fists. (A-423, A-440)

(g) While a freshman was standing in the hall of the Lyceum Building in custody, a marshal walked by and told him he did not like the way he was holding his feet, and when he did not move quickly enough, the marshal cursed him, struck him a severe blow with his club across the knee knocking him to the floor. (A-511)

(h) A boy who had been shot in the face with a tear gas bomb, resulting in both eyes being badly swollen and bleeding, who also had been beaten, repeatedly asked for a doctor and was refused medical attention for a number of hours. (A-440, A-511)

(i) A student who was placed in a bus called to some friends to ask them to get him help. Two marshals struck him on the arm with their clubs, and later when he asked to be permitted to make a telephone call, he was again hit by a marshal with a club. (A-511)

3. Treatment of students on the campus Monday morning.

On Monday morning, after order had been restored on the campus and in its vicinity, the campus remained in full control of the marshals. Members of the military forces participated with the marshals in seizing students and other citizens. The pattern of treatment included forcing students going from their dormitories to classes to lie spread eagle on the ground with faces in the dirt while they were searched at gunpoint.

Students passing along the campus to go to classes were treated as the junior going to his thermodynamics class in the Engineering Building who made a remark to several deputy marshals concerning the mess the campus was in. He was seized by two marshals, his arms were twisted behind his back, he was hit in the back with a billy, cursed, taken to the Lyceum basement and, as he walked toward the basement, a marshal on each side kicked him in the shins. A billy was forced between his legs and he was struck on the testicles. (A-288-290)

Students were beaten or jabbed with night sticks or billys. Students who were seized on Monday, after being taken to the Lyceum Building, were forced to lean forward against the wall with their hands over their heads on the wall and then their feet kicked out from under them. They were hit with clubs on their shins and ankle bones. (A-297, A-293)

Students from other schools were found asleep on the campus in the early morning, were hit on their legs, backs or heads with billys. One was awakened, forced to stand with his legs spread apart, clubbed on both the inside and outside of his legs, and struck in his crotch and in his groin. (A-440, A-423)

The above general patterns of conduct occurred after the penitentiary guards, border patrolmen and marshals had taken students and other citizens into custody, or after all disturbance had been quieted on the campus of the University of Mississippi.

"THE SUPPLEMENT DESCRIBED IN THIS USE OF THIS CASE"

As Attorney General Kennedy had full knowledge of the explosive nature of the situation which had been fanned into a white heat by the tremendous newspaper, radio and television coverage over a period of time, the procedures followed by him should be considered in the light of the Department of Justice FBI Law Enforcement Bulletin issued on October 1, 1962, in which the feature article is entitled, "Practical Measures for Police Control of Riots and Lulls", which sets forth a complete basis of evaluation of the actions of Attorney General Kennedy at the University of Mississippi as follows:

Planning for Disturbances -- No aspect of the program is more important than this phase. Unless the plan is thoroughly outlined in advance of the disturbance and unless it is founded upon realistic considerations in terms of availability of personnel and equipment, the operation will be doomed to failure. Provisions must be made for coordination with other municipal agencies and public utilities, as well as with other police agencies in the area. Effective communications equipment should include a public address truck, mobile telephone, bullhorns, walkie-talkies, and radiotelephone. Illumination and power equipment should include caride lights, generators, floodlights, and searchlights. There should be oxygen equipment available, such as oxygen cylinders, inhalators, and masks. A supply of police barriers and poles for temporary police lines should be ready for immediate shipment to the affected area. Of course, stretchers, cone mirrors, and first-aid equipment should be readily available.

These known and accepted procedures were ignored by Attorney General Kennedy in "Operation Law" and the publicity in connection therewith which were carried out by the Department of Justice of the United States on the campus of the University of Mississippi on September 30, 1962, and thereafter as follows:

1. The first representative of the Department of Justice to arrive on the campus of the University of Mississippi on September 30 was Mr. Ed Cuthman, Publicity Director of the Department of Justice, who contacted Colonel Birdsong on the campus at 2:45 p.m. Apparently realizing that the Lyceum Building was the heart of the campus and the most spectacular spot thereon, Mr. Cuthman told Colonel Birdsong to take him to such building. He then directed Colonel Birdsong to take him to the airport. When the Justice Department Publicity Director arrived at the airport he met Mr. Katzenbach, Mr. DeLoach and other representatives of the Justice Department who were there with very numerous newsmen, photographers, TV men and other representatives of the news media. Colonel Birdsong was asked by Mr. Cuthman and Mr. Katzenbach to escort them and 170 deputy marshals who had arrived in large trucks to the Lyceum Building. As soon as the representatives of the Justice Department and the 170 persons deputized as marshals arrived at the Lyceum Building, they took possession of the building by ordering the Chief of campus police, Mr. Barnes Tatum, who had keys

to the building, to open it for them. Within fifteen minutes thereafter, Mr. Katzenbach, Mr. McShane and Mr. Boar were advised by Mr. Hugh Tamm, Assistant to the Chancellor, that Meredith would not be registered on regular office hours on Monday.

2. The chain of command in control of the campus of the University of Mississippi beginning at approximately 4:00 o'clock p.m. on Sunday, September 30, was Attorney General Robert F. Kennedy (by long distance telephone from Washington); next in line in command was Nicholas de B. Katzenbach, Deputy Attorney General of the United States, and under him was James McShane, Chief Marshal, with assistance commanding the 123 deputy marshals, the 97 penitentiary guards, and the 336 border patrolmen. Mr. Ed Guttman, Director of the Department of Public Relations of the Department of Justice, was in charge of regulating publicity and matters pertaining thereto. These were assisted by other members of the staff of the Department of Justice. Full responsibility for all actions taken including the maintenance of law and order and prevention of violence was assumed and exercised by this chain of command. Orders were given by these federal representatives to Colonel Birdsong, Director of Public Safety of Mississippi, who was in charge of the Highway Patrol, and to officials of the University of Mississippi. When Senator George Wallburg, who had been commissioned by Governor Barnett to assist in maintaining law and order on the campus when he was permitted, arrived on the campus he found that the representatives of the Department of Justice had taken complete control of the campus and all operations.

3. After the federal authorities obtained control of the campus of the University of Mississippi, their first step to prevent gathering of a crowd and to see that matters were handled quietly and peacefully, was to line up 170 deputy marshals shoulder to shoulder all the way around the Lyceum Building, dressed in bright orange vests, white helmets, gas masks slung over their shoulders, gas guns held in their hands, side arms on their hips, clubs or billies at their belts. As additional border patrolmen, deputy marshals and penitentiary guards arrived the ranks outside the building were swelled. The large Army trucks which transported the marshals were parked in the street in front of the Lyceum Building where they would attract maximum attention. When this spectacular scene was first unfolded around the Lyceum Building there were 30 or 40 students who gathered to see what was going on. Although it was necessarily known that this display could reasonably be expected to attract a crowd which would become larger as the students returned from spending the week end at home and from the football game in Jackson, the marshals remained standing shoulder to shoulder completely surrounding the building, staring at the students from four o'clock until President Kennedy's speech at eight o'clock, when massive volleys of gas were fired without warning directly into the backs of Mississippi Highway Patrolmen and into the faces of the students and other spectators.

4. The Committee has taken the sworn testimony of more than 30 eye-witnesses who were present in front of the Lyceum Building at the time Mr. McShane ordered that gas be fired, in order to determine whether

there was any justification for such order and whether the marshals considered in the use of tear gas. The following material facts have been established concerning the shooting of the tear gas which incited the riot:

(a) No marshal had been injured at any time prior to the firing of the gas. The marshals were posted in and around the Lyceum Building in plain sight of those in the immediate vicinity, and no injury was observed. If any injury was sustained, it was deliberately concealed by Mr. Katzenbach, Mr. Doar, Mr. McShane and the others in command of the marshals from Colonel Birdsong, Senator Yarbrough, Senator McLawrin, Representative C. B. Newman, Dean Love, Mr. Clegg and Chief Tatum. All of these persons were together in the Lyceum Building or on its steps in constant conference prior to the firing of the gas. No representative of the State of Mississippi, the University of Mississippi or the Highway Patrol was told of any injury to a marshal or federal representative prior to the firing of the gas. The Committee finds that any statement that injuries were sustained by marshals prior to the firing of the gas is untrue and a deliberate ruse subsequently conceived to attempt to justify the firing of the gas.

(b) During the hour preceding the firing of the gas, the crowd, which for several hours had been good-humored, kidding the marshals and giving football yells, became restive and some cursing and profanity occurred. Lighted cigarettes, pennies, and small gravel had been slung toward the marshals. Lighted cigarettes had been thrown upon the tarpaulins of one or more of the Army trucks. About thirty minutes before the use of gas a folded paper airplane had been set on fire and sailed onto the tarpaulin of one of the trucks, but the fire was extinguished without substantial damage. A few minutes after 7:00 o'clock a piece of pipe had been thrown toward a marshal who then came into the Lyceum Building, sat by one of the administrative staff of the University and told him of the incident, saying the piece of pipe had not hit him or hurt anyone. A Coca-Cola bottle had been thrown against one of the trucks and one Coca-Cola bottle had been thrown through the line of Highway Patrolmen and hit within four feet of a marshal. All of this occurred before Senator Yarbrough spoke to the crowd and the Highway Patrolmen moved them back. No bricks or rocks had struck any of the marshals or representatives of the Department of Justice. Dean Love twice asked the Justice Department personnel for a loudspeaker so he could address the students and it was never furnished.

(c) A few minutes before the order to fire tear gas was given by Mr. McShane, Senator McLawrin, Representative Newman, Colonel Birdsong and Senator Yarbrough came out to the steps of the Lyceum Building with officials of the Justice Department. As they stepped out of the door the marshals were observed donning gas masks preparatory to firing gas and Senator Yarbrough protested such action to Mr. Katzenbach. Mr. Katzenbach ordered the marshals not to fire gas. Senator Yarbrough then stepped into the street and talked with the students who quieted down, and Colonel Birdsong and the highway patrolmen in front of the Lyceum Building started moving the students

back across the street. The students readily responded. Colonel Birdsong was on the bottom step of the Lyceum Building and a marshal touched him on the arm and told him Attorney General Kennedy wanted to talk to him on the telephone. At that instant Mr. McShane gave the order to fire gas without warning to the crowd which was moving across the street away from the Lyceum Building and was less noisy and boisterous than it had been for an hour. This order was given without warning to the Highway Patrolmen who were standing between the marshals and the crowd, and without consultation with any of the representatives of the State and the University who were practically at Mr. McShane's side. Colonel Birdsong turned and he and other witnesses saw the marshals aim and fire directly at the backs of the Highway Patrolmen and directly into the faces of the students and other spectators, contrary to every tenet of proper police procedure.

(d) There were 52 uniformed Highway Patrolmen on duty around the Lyceum Building at this time, a complete list having been furnished to the Committee and their presence having been confirmed by many witnesses. All of those in front of the Lyceum Building under direction of Colonel Birdsong, Chief Garden and others (at the request of the marshals) were moving the students back across the far curb. Their backs were to the marshals when the gas projectiles were fired without warning directly into their backs at point-blank range. Several of the patrolmen were hit in the back or on the hip by gas projectiles, one was struck in the kidney and seriously injured, another in the back of the head and another in the face. Several girls were hit by gas projectiles fired at point-blank range directly at them, one being hit in the stomach and knocked down, one being hit in the back and knocked down, and others were overcome by gas.

(e) Highway Patrolman Brunt, in uniform, was standing directly in front of the marshals, facing the students whom he had helped move across the street. His back was to the marshals and when the gas was fired without warning, he was first hit on the left side of the back of his head and knocked down. As he got up and tried to stagger away, another gas projectile hit him behind the right eye and gas spewed over him and into his lungs so that he became unconscious and did not recover consciousness for several hours. His life was barely saved after he was flown to a hospital in Jackson. The Deputy Sheriff of Lafayette County saw a marshal lower his gun and fire the second projectile directly at Patrolman Brunt as he staggered to his feet after the first hit. As the Deputy Sheriff rushed into the gas to drag Patrolman Brunt out, marshals threw two tear gas canisters at him.

5. After the firing of the gas, the students and other spectators became highly incensed. What had been a gathering of students and spectators attracted by the bright orange vests, helmets, gas guns, gas masks and side arms of the more than 400 marshals who had been completely encircling the Lyceum Building staring at the spectators for some four hours, became a violent mob. The first volley of gas was followed by several others and immediately thereafter the marshals began indiscriminately firing gas at uniformed members of the University police, uniformed Highway Patrolmen, students and spectators, regardless of what they were

...and whether or not they were taking part in the disturbance. The... and the repeated brutalities of the marshals, prison guards and... patrolmen, resulted in a riot which took two lives, destroyed thousands of dollars worth of property, resulted in several hundred students being injured or gassed, and many beaten to the extent that hospitalization was required. Sixty-three penitentiary guards, border patrolmen, marshals and members of the... forces were injured to the extent that they were given first aid treatment at the University Hospital, and the Department of Justice has announced that many other deputy marshals suffered from injuries, including broken bones, lacerations and bruises, inflicted chiefly by bricks and similar objects. Irresponsible persons from a number of states, fanned to white heat by the tremendous radio, TV and news coverage from Washington, Oxford and elsewhere. (Attorney General Robert F. Kennedy remained in Washington and Publicity Director of the Justice Department, Ed Cushman, was stationed at the University of Mississippi) converged on Oxford and, although they were prevented by the Highway Patrol roadblocks from coming upon the campus in vehicles or upon the highways, hundreds slipped through the surrounding woods, parks and open areas. Students and marshals were injured by birdshot and buckshot, and several snipers took part in the riot. A bulldozer and a fire truck were used in an attempt to rush the marshals. Automobiles were overturned and burned and the campus was wrecked.

6. As the violence continued, the disorganized aggregation of penitentiary guards, border patrolmen and marshals continued to... Highway Patrolmen, University police and students (both boys and girls) upon sight, without regard to their location or actions. Groups of from eight to fifteen "marshals" roamed the campus, shooting gas projectiles or throwing gas canisters into dormitories, around the Highway Patrol headquarters, at uniformed Highway Patrolmen, and promiscuously shooting gas projectiles at any students they saw. The following are illustrative of their actions:

(a) The doors of Faulkner Hall were opened by marshals who threw two gas canisters into the hall and wedged one in the door, forcing complete evacuation of both wings of Faulkner Hall. Similar procedure was followed as to Garland Hall, forcing its evacuation by the students. DuFree Hall, Barr Hall, Howry Hall, Lefauve Hall and Oden Hall were gassed by marshals and the students forced onto the campus. The pattern of gassing dormitories was observed by the University police, dormitory managers, Lieutenant Governor Paul Johnson and many others. The University authorities had instructed the students that if any disturbance arose they should go to the dormitories. Most of the students had done so. When the students were gassed out of the dormitories onto the campus, they were treated as detailed in this report. (A-161, A-180, A-308, A-343, A-349, A-544, 517, 759)

(b) The marshals shot gas projectiles at the feet of Dean of Personnel L. L. Love of the University, and Chief of University Police Tatum (who was in his uniform) while they were standing in full view

of the marshals, urging a group of students to disperse. Both had been working with the marshals for four or five hours. (73)

(c) After several exchanges of volleys of gas from the marshals and volleys of bricks from the students, the students sent word to Chief of University Police Tatum, who was with the marshals at the Lyceum Building, that they would like to "talk peace". Chief Tatum told the marshals at the front of the Lyceum, "I'm going down yonder to the flag pole and talk to these students. They want to talk peace so don't shoot at me." Four students were standing in front of the crowd with their hands over their heads and as Chief Tatum approached them, the marshals shot a volley of tear gas into his back and into the students, gassing and scattering them. Chief Tatum later made another trip through the line of marshals to attempt to persuade the students to retire and was again gassed by the marshals before he reached the students. (A-455)

(d) While the President of the United States was talking on the nation-wide TV hook-up, a Highway Patrolman was standing by his patrol car listening to the address with several students, including a girl. Several marshals came by and the patrolman turned his flashlight on his uniform and his patrol car. The marshals walked about 15 feet, turned and fired gas at the patrolman, the girl and the other students, all being badly gassed. (22)

(e) The Highway Patrol headquarters had been set up in the gymnasium, with short wave radio transmission equipment and control of roadblocks and patrol cars on the highways. The marshals gassed the Highway Patrol out of the gymnasium, in the process blasting out the windshield of a patrol car parked by the side of the building. This deliberate gassing was witnessed by several patrolmen and it was necessary to move the headquarters to the bowling alley on the edge of the campus, where the patrolmen who had been forced out of the gassed area met to re-form and strengthen the roadblocks.

(f) The assistant Chief of Police of the University was shot in the head and the leg by the smaller gas projectiles when the gas was fired. After he was helped to the Engineering Building and washed the gas off, he was told that a girl had been hit by a gas shell and knocked down and was lying in the gas. He and two students rescued her and were fired on by the marshals as they did so. (730-732)

(g) A student who is a junior in the School of Business and his wife saw a girl hit in the stomach by a gas projectile; she was knocked down with gas spewed over her dress, and she was carried screaming out of the gas by a student and a patrolman. (A-304)

(h) After the dormitories had been gassed, a student walked up to some marshals near the Student Union Building and asked them a question. As soon as he was close enough, three marshals grabbed him, beat him to the ground with clubs and continued to beat him while he was on the ground. (A-305)

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(1) As a Highway Patrolman walked from the gymnasium to the stadium to obtain orders after the gymnasium had been gassed, the gaseous mist gas at his feet although his uniform was readily recognizable. (212)

Conclusion

Although the Committee does not condone the use of the "Highway marshals" as a military unit to occupy the campus, the Committee is forced to conclude that if Attorney General Kennedy and his chain of command had followed the "practical measures" laid down by the Federal Bureau of Investigation Law Enforcement Bulletin cited above (without which measures the Bulletin states "the operation will be doomed to failure") the rioting would not have occurred; that the spectacular display staged around the Lyceum Building and maintained for four hours, followed by the firing of tear gas without justification and without warning when the crowd was quieting down and drawing back, combined with the other factors set forth herein, caused resentment to flare out of control and incited the riot; and that the marshals were inexperienced and blundered in their use of tear gas.

"A TRAGIC CHAIN OF EVENTS AND ERRORS"

The tragic chain of events and errors occurring on September 30 on the campus of the University of Mississippi culminated in rioting which continued for six days, cost two lives, the injury of many students, citizens, members of the National Guard and marshals, the destruction of one building and property amounting to several hundred thousand dollars and the expenditure by the Defense Department of in excess of \$4,200,000 and by the Department of Justice of in excess of \$669,000. (See Cong. Rec. April 1, 1963, page 5713, and testimony Secretary McNamara, page 261 of House Appropriations Subcommittee Hearing.)

The Committee does not condone the illegal federalization of the Mississippi National Guard, the removal of Governor Barnett as its Commander-in-Chief and of Major General William P. Wilson as commander in the field, nor its use under federal command in OPERATION RAPID ROAD. But when command and use thereof were transferred from the State of Mississippi to the federal government, full responsibility therefor was assumed by President John F. Kennedy and Attorney General Robert F. Kennedy. The Committee does not condone the illegal use of active units of the United States Army in the crisis which was precipitated by Attorney General Kennedy when he abandoned judicial processes to attain the end sought by military force. Having determined to follow that course, however, full responsibility for the results thereof was assumed by the Attorney General.

The utilization by Attorney General Kennedy of the troop of more than 500 "marshals" as a military unit, the use under federal command of the Mississippi National Guard and the use of regular United States Army units in OPERATION RAPID ROAD will be considered in that order.

Penitentiary Guards, Border Patrolmen and Deputy Marshals

In a wholly unprecedented action, Attorney General Kennedy ordered the assembly of 556 federal employees from all parts of the United States, most of whom were sworn in solely for this occasion as "deputy marshals". They were then used as a military force to occupy the campus of the University of Mississippi. Ninety-seven penitentiary guards, 336 border patrolmen and 123 deputy marshals were rushed onto the campus of the University of Mississippi from various parts of the United States, many without preparation, briefing, planning or order. The bulk of this miscellaneous gathering of federal employees saw each other for the first time on the campus. The first 170 arrived in several truck loads, gaining full control of the campus about 4:15 p.m. on September 30. Then from time to time other truck loads arrived from various points, some several minutes apart, others several hours apart.

Those things without which the operation was "doomed to failure", in accordance with the aforementioned FBI Bulletin were omitted or forgotten. There were no public address truck, mobile telephone, illumination and power equipment, flashlights, police barriers or rope, no stretchers, cots, etc., no coordination with the supporting forces of the federalized National Guard or the regular Army units. There was actual mismanagement of the Mississippi Highway Patrol in the firing and later use of gas. The planning to prevent the gathering of a crowd and possible disturbances consisted of setting up the spectacular scene around the Lyceum Building, an outlier on the heart of the University and its traditions, and a "deputy marshals" show with arrival of additional "deputy marshals" for long hours until the events occurred which are recounted above. The disorganization of the "marshals" after the firing of the gas has already been discussed.

The Federalized Mississippi National Guard

The Committee has reviewed sworn testimony of many witnesses and has examined documentary evidence submitted by the Department of Defense and the Mississippi National Guard concerning the use of such Guard. The findings herein set forth are based upon such evidence.

Because of the total disorganization and tragic results of "OPERATION RAPID ROAD", the Committee has determined the location of available units of the federalized National Guard and their later use. The more than 1,400 men composing the 108th Armored Cavalry Regiment are based at 17 armories, of which Oxford Armory is the center. Eight of these armories are within 42 miles of Oxford. The more than 650 men composing the 2nd Battle Group of the 155th Infantry Regiment are based at 7 armories, located east and southeast of the 108th. After the alert and mobilization beginning at 3:00 a.m. on Sunday morning, if appropriate orders had been issued by President Kennedy or the Field Commander as late as 4:00 p.m., between 1,500 and 2,000 National Guardsmen could have been available for use on the University campus on short notice in ample time to have prevented or immediately controlled rioting. Nevertheless, prior to 10:00 p.m., 22 hours after the National Guard was federalized, six hours after the marshals occupied the campus of the

University and two hours after the rioting had been incited by the massive use of tear gas, no action had been taken to move in support for the marshals, Mississippi Highway Patrol and local police officers to the University campus.

The procedure under President John F. Kennedy as Commander-in-Chief of the federalized Mississippi National Guard was as follows:

1. At 12:01 a.m. on Sunday, September 30, the entire Mississippi National Guard was illegally federalized.
2. At 3:00 a.m. all units of the federalized Mississippi National Guard were alerted and by 4:05 a.m. the alert and mobilization plan was instituted, with more than 10,000 National Guardsmen being notified to report immediately to the National Guard armories in 92 communities in Mississippi. These men were held in active service under federal orders for from five to twenty-four days, the 100th Armored Cavalry Regiment being released on October 23, the 1st and 2nd Battle Groups of the 155th Infantry on October 16, other groups on October 10 and others on October 5.
3. At 3:00 a.m. Sunday orders were issued for the 100th Armored Cavalry Regiment (containing about 1,400 men), and the 1st and 2nd Battle Groups of the 155th Infantry Regiment (containing about 1,400 men) to prepare to reach Oxford at 10:00 a.m. on Monday, October 1.
4. At 2:00 p.m. Sunday detailed instructions were received at Memphis Naval Air Station from the United States Army Field Commander, implementing the above orders. No orders were given at that time for any National Guardsmen to arrive at Oxford to aid in maintaining order and preventing or controlling violence prior to 10:00 a.m. on Monday, October 1.
5. Between 12:00 noon and 2:30 p.m. 170 "agency marshals" were dispatched to Oxford, there being 170 "agency marshals" at the Oxford airport when Colonel Birdsong was directed to that point by Mr. Gutman, Publicity Director of the Department of Justice, at 3:45 p.m. Oxford is located about 90 miles from Memphis. No action was taken at this time to make the federalized Mississippi National Guard available at the University in case of an emergency.
6. At about 2:45 p.m. Publicity Director Ed Gutman of the Department of Justice contacted Colonel Birdsong, head of the Mississippi Highway Patrol, on the campus of the University of Mississippi, and at about 3:45 p.m. was escorted by Colonel Birdsong to the Oxford airport where Mr. Katzenbach, other representatives of the Justice Department and numerous newspaper, radio and TV representatives were located. No action was taken at this time to make the federalized Mississippi National Guard available at the University in case of an emergency.
7. At about 4:15 p.m. the marshals under the orders of Mr. Katzenbach and Mr. Gutman occupied the campus, surrounding on all sides

the Lyceum Building at the heart of the campus in a spectacular display as detailed elsewhere in this report. No action was taken at this time to make the federalized Mississippi National Guard available at the University in case of an emergency. Such spectacular display around the Lyceum was continued for about four hours, with the crowd of boys and girls and other spectators gradually increasing from hour to hour.

9. At about 3:00 a.m., when the crowd was quieting down and being moved back by the Mississippi Highway Patrol, the marshals fired massive volleys of tear gas without warning directly into the faces of the students and other spectators and into the backs of the Highway Patrolmen who were moving the crowd back. Resistance flared out of control and rioting began. No action was taken at this time to make the federalized Mississippi National Guard available at the University. The rioting continued until about 4:30 a.m. Monday morning.

At about 3:00 a.m. orders were issued from the Field Commander's headquarters for 75 per cent of the personnel of all units of the 108th Armored Cavalry Regiment to be released until the next morning.

10. At about 3:00 a.m. leaves were revoked and the men ordered to report back to their units.

11. At about 10:00 p.m. the first order for any unit to move to the campus was given personally by President Kennedy by Presidential Order. Due to the time required for assembling, preparing for transportation, movement and assembly, it was between 2:00 and 3:00 a.m. Monday before substantial numbers of the federalized Mississippi National Guard (other than the relatively local units) were moved onto the campus and 4:30 a.m. before the campus was cleared of rioters.

12. From about 3:00 p.m. Sunday until about 4:30 a.m. Monday, rioting continued on the campus. With the tremendous radio and TV coverage provided by the media with the assistance of Publicity Director Ed Guthman at the University and Attorney General Kennedy and others in Washington, hundreds of cars converged on the area from surrounding states and distant points in Mississippi. All night and until relieved Monday morning, the full force of the Mississippi Highway Patrol maintained roadblocks around the campus and at points on highways several miles from Oxford, with additional officers patrolling the roads. Hundreds of cars and thousands of persons were turned back by the Highway Patrol. Yet hundreds of persons slipped through the woods and fields which surrounded the University campus and joined in the rioting.

Units of the Regular Army

The Committee requested in writing that the Secretary of the Army furnish to it the orders issued by the commanders or other officers of the Military Forces and the physical disposition of such forces in connection with OPERATION RAPID ROAD. By letter of March 25, 1963, Secretary Cyrus Vance furnished copies of certain Executive and Administrative Orders but declined to furnish the above orders and information requested, saying, "I do not believe any useful purpose would be served

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...providing information beyond that described above." Hence, the findings of the Committee are based upon the facts which appear in the sworn and documentary record before the Committee as follows:

1. At 12:01 a.m. Sunday, September 30, (one minute past midnight of September 29) authority was granted to use active Army forces by Executive Order 11053 executed by President John F. Kennedy at the request of Attorney General Robert F. Kennedy.

2. Between 12:00 noon and 2:00 p.m. the first contingent of marshals was dispatched to Oxford, being at the Oxford airport at 3:45 p.m.

3. At 4:15 p.m. the campus of the University was occupied by the marshals.

4. At about 8:00 p.m. the resentment of the students and other spectators at the massive firing of tear gas without warning flared into a riot.

5. From 8:00 p.m. until 4:30 a.m. Monday morning the rioting continued on the campus.

6. Between 1:30 a.m. and 4:30 a.m. the first active army forces arrived on the campus (other than about 50 military MPs who had arrived earlier). This was more than 25 hours after OPERATION SARD ROAD was commenced. This was more than 14 hours after the marshals were dispatched to the campus. This was more than 11 hours after the marshals occupied the campus. This was more than 7 hours after rioting began.

Order was restored upon the campus of the University of Mississippi during the early morning of Monday, October 1, and in Oxford by the early afternoon of that day. Martial law was not declared. Yet for many days after order was restored the Department of Justice caused the civil rights of citizens to be continuously and repeatedly violated on the highways for miles around Oxford. Without warrants or reasonable cause, hundreds of searches and seizures of citizens were carried out. State officials, county officials, law enforcement officers, men and women were halted at gun-points. Their automobiles and persons were searched. Many were seized and taken into custody without warrants and without just cause. Thousands of federal armed forces were quartered and maintained in Mississippi for weeks after October 1, when no reasonable cause existed therefor. Ten thousand illegally federalized Mississippi National Guardsmen were held on active duty in 92 communities in Mississippi for from five to ten days. The 106th Armored Cavalry Regiment of more than 1,000 men was held on active duty in the Oxford area for 24 days. Federal power was spectacularly demonstrated to the people of Mississippi, and nation-wide publicity was obtained by the Department of Justice.

As the Committee has already filed with the Legislature a

preliminary report concerning the damage done to the property of the University of Mississippi, the State of Mississippi and the University-Oxford Airport, it will not burden this report with the details thereof. The University of Mississippi has filed with the Office of the Army Staff Judge Advocate detailed claims in the amount of \$256,790 and \$61,467 covering portions of the damage sustained as a result of OPERATION BAYED ROAD. These do not include additional damages which were suffered amounting to approximately \$59,000, making the total amount of damage to or destruction of property in the sum of \$377,257.

We will not attempt to cover actions by federal agencies arising or continuing in the months following the events here described, except to note that an attempt under a Presidential Administrative Order to build permanent barracks on the airport property for the indefinite stationing of units of the United States Army as occupying forces of the University of Mississippi, was prevented by an injunction issued by the state courts.

Conclusion

The Committee concludes that OPERATION BAYED ROAD was a tragic chain of events and errors; that reasonable and proper actions in accordance with accepted police procedures would have prevented any violence; that the rioting could have been quickly and effectively controlled if the available supporting forces had been properly utilized, and that there was no justification for the violations of civil rights of citizens which continued long after October 1, 1962.

MAINTENANCE OF ORDER BY THE LAW ENFORCEMENT OFFICERS OF MISSISSIPPI FROM TO SEPTEMBER 30, 1962

The Committee has taken the sworn testimony of many witnesses concerning all instances in which the law enforcement officers of the State of Mississippi were charged with the duty of maintaining order and preventing violence in connection with the Meredith case. There were three instances when this occurred:

1. On September 20, on the campus of the University of Mississippi when Meredith was brought upon the campus by United States marshals for the purpose of registration and such registration was denied by Governor Barnett, who had been appointed by the Board of Trustees to act as Registrar.
2. On September 25, at the State Office Building in Jackson when Meredith was brought by United States marshals to the offices of the Board of Trustees of the University for registration, at which time Governor Barnett denied Meredith and the marshals admittance to the offices. (Under orders of the Court of Appeals of the Fifth Circuit, the Board had removed Governor Barnett as Registrar and re-appointed the regular Registrar, Mr. Ellis, who was present in Jackson September 25 at the request of the Department of Justice.)

3. On September 26 at the campus of the University of Mississippi, when Lieutenant Governor Paul B. Johnson refused Meredith assistance to the campus of the University to which he had been brought by United States marshals for the purpose of registration.

The fourth occasion upon which maintenance of order and prevention of violence was needed was on September 30 on the campus of the University of Mississippi. Immediately upon the arrival of the marshals, the Department of Justice seized complete control of the campus. This was accomplished through more than 500 armed marshals acting as a military unit, thereafter supplemented by approximately 12,000 Federal troops. Continuous and valuable assistance was rendered to the Federal personnel by the Mississippi Highway Patrol, in the prevention of violence and the maintenance of order, as hereinafter detailed.

On the first three occasions there was complete cooperation between the State of Mississippi, acting through Governor Ross R. Barnett, and the United States of America, acting through Attorney General Robert F. Kennedy to permit judicial processes to proceed without incident and without injury to James O. Meredith, state and Federal officers, or citizens. In each of the three instances, the members of the Mississippi Highway Patrol and the United States marshals were armed as a precautionary measure to prevent the possibility of some unexpected occurrence resulting in a clash between men. On the fourth occasion the State of Mississippi afforded complete cooperation to maintain order and continued such cooperation to the full extent it was permitted to do by the Department of Justice.

On September 23 several unarmed marshals and representatives of the Department of Justice accompanied Meredith to the campus, being escorted as a protective measure by unarmed members of the Mississippi Highway Patrol to the campus and to the building where they were met by Governor Ross R. Barnett. Registration was declined by the Governor, who had been appointed as registrar of the University, and Meredith and representatives of the Department of Justice, including the marshals, were escorted from the campus by Highway Patrolmen without any incident.

The Board of Trustees of the Institutions of Higher Learning were ordered on September 24 by the Court of Appeals of the Fifth Circuit to revoke the appointment of Governor Barnett as registrar, and this action was taken by the Board on September 25. On that date the Department of Justice invoked the usual judicial process to enforce a judgment against a person who was not a defendant to the suit by obtaining a restraining order against Governor Barnett. This was issued by the Court of Appeals of the Fifth Circuit.

On September 25, in accordance with the desire of Governor Barnett and Attorney General Kennedy to prevent any violence and to protect all persons, including Meredith and the Federal and state officers, arrangements were made between the Mississippi Highway Patrol and the police of the City of Jackson for ample officers to be available at the time the Department of Justice desired that Meredith be

escorted to the offices of the Board of Trustees of Institutions of Higher Learning. Again every precaution was taken, including the Mississippi Highway Patrol and the Federal marshals and representatives of the Department of Justice being unarmed. In fact, when the marshals came into the State Office Building, one of the marshals, in greeting Colonel Birdsong, opened his coat and said, "See, no guns", and Colonel Birdsong assured him that his officers also were unarmed. Governor Barnett refused to permit Meredith to enter the offices of the Board and to register, and Meredith and representatives of the Department of Justice, including the marshals, were escorted from the offices by Highway Patrolmen without any incident.

On September 26, Meredith was escorted by the United States marshals and representatives of the Department of Justice to the campus of the University where registration of students is generally accomplished. Again every precaution was taken by Governor Barnett and Attorney General Kennedy to see that no person was injured and that violence was prevented. Ample time was given for sufficient law enforcement officers to be present to maintain peace and prevent violence. Again the State Highway Patrolmen, the Federal marshals and the representatives of the State of Mississippi and the Justice Department were unarmed. Lieutenant Governor Paul Johnson denied Meredith and the marshals and Department of Justice officials access to the University campus. Meredith and representatives of the Department of Justice, including the marshals, were escorted from the campus by Highway Patrolmen without any incident.

By these three actions the legal issue between Governor Barnett and the Department of Justice acting in behalf of James H. Meredith was placed before the Court for determination. The Committee is not in a position to discuss the merits or demerits of the legal questions raised in the Meredith case by the actions of the Governor and Lieutenant Governor as such proceedings are still pending. There is also pending a criminal contempt proceeding against the Governor and Lieutenant Governor which was instituted later. The Committee will not comment upon this pending action, despite the numerous newspaper statements concerning this action by the Department of Justice.

The Committee has examined the public statements of all parties involved and the pleadings and briefs filed in the Court of Appeals of the Fifth Circuit, in addition to testimony of witnesses under oath. The Committee finds as a fact that from the beginning of the controversy between the State of Mississippi and the Attorney General of the United States to this date it was and is the policy of the State of Mississippi not to risk the possibility of armed conflict between its officers and officers of the United States government, even though Governor Barnett and Attorney General Kennedy were at all times and are now in complete and direct disagreement concerning the registration of Meredith and the binding effect of the judgments of the District Court and the Court of Appeals of the Fifth Circuit upon the Governor and Lieutenant Governor of the State. That policy has never changed. When armed marshals were called into action as a military force by the Department of Justice on September 30, there was no attempt on the part of any State official or

law enforcement officer to meet armed force with armed force. Even though the action on the part of the Attorney General constituted an interference of the three judicial processes then pending and an attempt to obtain the end sought by use of overwhelming force, there was no change whatsoever in the policy of the State of Mississippi and its Governor and Lieutenant Governor that no armed clash between state and federal representatives would be permitted and that at all times full cooperation would be continued between the state and federal authorities to maintain law and order and prevent violence.

Because of the pendency of the criminal contempt proceedings against the Governor and Lieutenant Governor of Mississippi, the Committee will not discuss in this report the allegations by federal officials and news periodicals of "secret deals" and alleged conversations between state and federal officials. The Committee finds, however, that on September 30 the United States marshals, representatives of the Department of Justice and Meredith were escorted upon the campus as they were on September 29; that the escort Highway Patrolmen provided on September 30 was for the same purpose as the escorts provided at the University on September 29, at Jackson on September 29, and at the University on September 26, i.e. to assure that no violence occurred and that no injuries (including the marshals, representatives of the Department of Justice and Meredith) were injured.

The Committee further finds that the action taken on September 30 was in accordance with the policy of the State of Mississippi mentioned above, that armed forces of the United States (whether military or military) would never be met with armed law enforcement officers of Mississippi. When the Mississippi officials were advised through public statements, through the press and otherwise that armed force would be used, the same procedure was followed on the date as had been followed on the three previous occasions, i.e. the Highway Patrolmen who were in contact with federal officers were armed.

The fact that stands out above all others is that so long as a government of the State of Mississippi was permitted to be free to be for the enforcement of law and maintenance of peace, there was no violence or attempt at violence.

ARMED AND BY STATE OFFICIALS AND THE MISSISSIPPI HIGHWAY PATROL
BY THE DEPARTMENT OF JUSTICE AND THE UNITED STATES ARMY
IN JACKSON, MISSISSIPPI ON SEPTEMBER 30, 1962

The responsibility for maintenance of order and the prevention and control of violence on the University of Mississippi campus must be evaluated as between the State of Mississippi and Attorney General Kennedy in the light of the forces available to each.

At one minute past midnight of September 29, President John F. Kennedy issued Executive Order 11053 at the request of

Attorney General Robert F. Kennedy. This order illegally federalized the Mississippi National Guard. Thereby President Kennedy replaced Governor Ross Barnett as their Commander-in-Chief and Brigadier General George S. Billingslea of the United States Army replaced Major General William Wilson of Mississippi as their Field Commander. President John F. Kennedy and Attorney General Robert F. Kennedy thereby assumed full responsibility for the lives and safety of the nearly 5,000 boys and girls who were students at the University of Mississippi. Executive Order 11053 also illegally directed the Secretary of Defense to make the armed forces of the United States available for OPERATION BAMPD ROAD.

The following forces were available to Attorney General Kennedy and unlawfully utilized in OPERATION BAMPD ROAD:

1. 356 federal "Marine marines", said to have been deputized especially for this occasion, consisting of 97 penitentiary guards, 336 border patrolmen and 123 deputy marshals. As discussed above, they were hurriedly assembled from all parts of the United States as an undisciplined and unorganized military unit for the occupation of the campus.

2. 12,375 members of the federalized Mississippi National Guard who were ordered at 3:30 a.m. Sunday morning to report immediately for active duty in the United States Army to the National Guard armories located in 30 communities in Mississippi.

3. 12,000 federal troops moved into the Oxford area under authority of the Secretary of Defense (testimony of Secretary McNamara, page 261 Hearings of Appropriations for the Department of Defense) out of a total of 22,000 troops placed on active duty in Oxford and adjoining areas (Cong. Record April 9, 1968, p. 5728).

The following forces were available to the State of Mississippi and Governor Barnett and were used in OPERATION BAMPD ROAD:

1. 200 officers of the State Highway Patrol. This number was available out of an entire state-wide force of 225, some of whom were required to remain on duty in the rest of the State. The Mississippi Highway Patrol are not state police, their duties being limited to highway traffic, with the exception of emergency use under the police power.

2. 6 members of the University campus police.

If this matter were not of such tremendous importance to the people of the entire United States, the Committee would find it ludicrous that Attorney General Robert F. Kennedy has led the people of the United States to believe that full responsibility for the maintenance of order on the campus of the University of Mississippi rested upon the State of Mississippi after the campus was occupied and controlled by his marshals.

Governor Barnett, by official order, authorized Colonel T. B. Birdsong, Commissioner of Public Safety and head of the Mississippi

Highway Patrol, Senator George Yarborough, President Pro-tem of the Senate, and others to "proceed and do all things necessary that the peace and serenity of the people of the State of Mississippi are fully protected" and "to prevent violence and the breach of the peace". When it was known that armed marshals and armed forces of the United States would be utilized to place Meredith upon the campus of the University of Mississippi and to obtain his registration, plans were carefully made to assist in maintaining order and preventing violence. The policy that armed federal officers would not be met by armed state officers was maintained, as it had been from the first. The following steps were taken:

1. Colonel Birdsong instructed all Highway Patrolmen in the State to report for duty that day to the University of Mississippi campus, with the exception of one patrolman left in each district to check automobile accidents. When it was learned that the action might be taken on Sunday, their arrival was expedited. The patrolmen arrived at the University campus during Sunday afternoon and early evening, some having been stationed as much as 300 miles from the University.

2. When Colonel Birdsong and Chief Gayden, his chief deputy, arrived on the campus, there were 12 patrolmen already available at the University. These were immediately stationed at roadblocks, two at each of the six entrances to the campus. One roadblock was set up at University Avenue, one at University Hall, one at Sorority Drive, one at Revel Drive, one at the Lyceum and one at the road coming in from an adjoining highway. During the afternoon and night these roadblocks were augmented as the patrolmen reported for duty. Throughout Sunday afternoon and night the patrolmen turned back hundreds of cars and several thousand people at these roadblocks. The roadblocks were maintained until relieved by Federal troops Monday morning. However, the circumference of the campus is open on all sides and is approximately five miles in length. It was impossible to prevent persons from coming onto the campus on foot through the adjoining woods and adjoining residential areas.

3. At about 2:45 p.m. Colonel Birdsong was contacted by Mr. Cushman, Publicity Director of the Department of Justice, on the campus and instructed to escort him to the Lyceum Building and then to the airport. This was done. At the airport he was instructed by Mr. Cushman and Mr. Katzenbach, Deputy Attorney General, to escort approximately 170 marshals and several representatives of the Justice Department to the Lyceum Building, which he did. Thereupon, Mr. Katzenbach and Mr. Cushman took complete control of the Lyceum Building, which they maintained until Monday morning.

4. Mr. Hugh Clegg, the Assistant to the Chancellor of the University, who had been designated as liaison man for the University went to the Lyceum Building as soon as he was advised that the marshals had come upon the campus. Dean E. L. Love, Dean of Personnel of the University, and other members of the staff also came to the Lyceum Building during the afternoon. Chancellor Williams and other members

of the University faculty persuaded many students to leave the crowd of spectators to return to their rooms. The local radio station repeatedly broadcast appeals by the Chancellor to the students. Dean Love called in five of his assistants to his office which was the communications center of the University, but he was badly hampered by the fact that the Department of Justice snatched all telephone lines in this office with one exception and took over most of the office. The precipitate action of federal officials in "OPERATION HIGHWAY ROAD" prevented the culmination of numerous plans which had been formulated by the University officials and student body to keep students from joining in a crowd of spectators or participating in any violence.

5. Colonel Birdsong, Chief Gayden and other patrolmen were present at and around the Lyceum Building throughout the afternoon and night attempting to cooperate in maintaining order. As the Highway Patrolmen arrived, patrol cars were assigned to keep traffic moving on the various highways approaching the campus and patrolmen were stationed at various points on the campus to assist in maintaining order. Fifty-two patrolmen were assigned to duty at the Lyceum Building prior to 8:00 o'clock. Some were stationed between the marshals and students and other spectators. Others worked in and around the crowd to maintain order. The remainder were stationed elsewhere on the campus, at the roadblocks or patrolling the roads. The Highway Patrol set up headquarters in the gymnasium, which was close to the Lyceum Building, and this fact was known by the representatives of the Department of Justice and the marshals. Short wave radio equipment was set up in the gymnasium to maintain communications with the patrolmen at the roadblocks and patrolling the highways and at points on the campus where the patrol cars had been parked at appropriate spots.

6. As had been done on the former occasions, when Meredith reached the vicinity of the University campus, an escort of Highway Patrolmen was provided to the marshals who were with him in order to be sure that violence did not result and that injury was not received.

7. Although Mr. Katzenbach, Deputy Attorney General, Mr. Guthman, Publicity Director of the Justice Department, Mr. McEneaney and others had seized complete control and direction of everything done on the campus of the University of Mississippi, there were present in the Lyceum Building during the afternoon assisting in maintaining order Colonel T. J. Birdsong, Commissioner of Public Safety of Mississippi, who was in charge of the Mississippi Highway Patrol, and several of his deputies; Senator George Yarborough, Judge Russel Moore, Senator John McLaurin and Representative C. B. Herman, representatives of Governor Barnett; Dean S. S. Love, Dean of Personnel of the University; Mr. Hugh Clegg, Assistant to the Chancellor and Director of Development of the University, who had been designated as liaison man for the University on this occasion; and Burnes Eatum, Director of Public Safety at the University of Mississippi, who was chief of the small police force at the University. They remained constantly available to the representatives of the Justice Department in the Lyceum Building.

8. When Senator Yarbrough arrived on the campus with Senator John McLaurin, Judge Russel Moore and Representative C. B. Newman, they went into conference with Mr. Katzenbach, Mr. Doar and other representatives of the Justice Department and advised them that they felt that since there were then some 450 marshals on the campus and the Justice Department had taken complete control of the campus and was in full charge of all actions, it would be preferable for the Highway Patrol to withdraw. Mr. Katzenbach requested that the Highway Patrol remain. Senator Yarbrough immediately telephoned Governor Barnett and was instructed that the Mississippi Highway Patrol should remain on duty, which it did continuously until the next morning when military forces arrived and relieved them, some at bayonet point.

9. The Committee carefully investigated and obtained sworn statements of all persons who directed the Highway Patrol and represented the Governor on the campus as well as statements of Highway Patrolmen who manned each of the roadblocks and patrolmen who served at various points on the campus. The Committee finds there was no actual withdrawal of the Highway Patrol from duty at any time and that no order was given for any such withdrawal. During the night, and particularly after the gassing of the Highway Patrol headquarters, there was relief and reassignment of personnel at the roadblocks. The Committee finds that the instance to which reference was made in the public press concerning the Highway Patrol cars moving to the edge of the campus was when the gymnasium (which had been set up as the Highway Patrol headquarters) was so badly gassed by the marshals that it was rendered unusable and orders were given to transfer headquarters to the bowling alley on the edge of the campus. As the Highway Patrolmen were not equipped with gas masks effective in the gas that was utilized by the marshals and the marshals were roaming the campus gassing all persons regardless of their capacity, it was determined that the best service the Patrolmen could render was to get outside the gassed area and to maintain the existing roadblocks and set up additional blocks and patrol the roads. This was done. Hundreds of cars and several thousand persons were turned away by the patrolmen at these roadblocks during the night and early morning. There were two instances in which the area of roadblocks was so badly gassed by the marshals that the patrolmen had to withdraw temporarily from the block, but they returned as soon as it was possible to remain in the vicinity and re-established each of the blocks.

10. When the gas was fired without warning to the crowd, without notice to the Highway Patrolmen, and without opportunity being given to the representatives of the State of Mississippi or the University to warn the students, a number of patrolmen were hit by gas projectiles and many were very badly gassed during the first volley of gas which was followed immediately by several additional volleys as described elsewhere in this report.

11. Later Lieutenant Governor Paul Johnson, Colonel Birdsong and Officer Orin Cole at a conference with Mr. Katzenbach and Mr. Doar advised them that if the marshals would quit shooting gas, the

Mississippi Highway Patrolmen would be able to come into the area then filled with gas, and could be of assistance in getting students to return to the dormitories and in restoring order and assisting the marshals in removing intruders from the campus. When it was found that gas would continue to be used, it was suggested in the alternative that the Highway Patrol personnel be used to set up additional roadblocks at a distance from the campus and to add personnel to the roadblocks which had been maintained around the campus throughout the afternoon and evening. Mr. Katzenbach said to Lieutenant Governor Johnson, "Governor, if you can do this it will be more help than you can give us any other way." Such action was taken.

Conclusion

The Committee has quoted above that portion of the statement of President Kennedy appearing in the Allen-Scott Report with which it is in agreement. The Committee finds that the remainder of such statements in which President Kennedy said, "Governor Barnett did not keep his word to help us maintain order," is not supported by the facts and is incorrect.

The Committee finds that Governor Barnett and the other officials and representatives of the State of Mississippi, the officials and administrative staff of the University of Mississippi and the Mississippi Highway Patrol conscientiously and continuously rendered every possible assistance to the Justice Department to prevent violence and to maintain and to restore order, in spite of the extreme handicaps arising from the wholly disorganized handling of ~~COMMUNION~~ ~~RAVED~~ ROAD by untrained and inexperienced federal personnel, without planning, equipment or proper procedures, and in spite of flagrant mismanagement by the marshals.

STATUS OF LITIGATION BY JAMES H. MEREDITH PENDING IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

The picture of what occurred at the University of Mississippi on September 30 and the days following would not be complete without a brief resume of the status of the litigation between James H. Meredith and the Board of Trustees and officials of the University of Mississippi, which was pending in the United States District Court for the Southern District of Mississippi, and a resume of the status of the action filed in the United States Court of Appeals for the Fifth Circuit against Governor Ross R. Barnett, Lieutenant Governor Paul B. Johnson and others on September 25, 1962.

The original suit had taken the usual course of litigation in federal and state courts. Judgment had been entered on February 5, 1962, by the United States District Court for the Southern District of Mississippi, finding that James H. Meredith had failed to meet the requirements for admission to the University of Mississippi and that he had not been denied admission because of his race. Neither Governor Barnett nor Lieutenant Governor Johnson were defendants in this suit nor parties to this judgment.

On June 25, 1962, a three-judge panel of the United States Court of Appeals for the Fifth Circuit reversed the District Judge's decision and ruled by a two-to-one vote that the plaintiff had been denied admission to the University because of his race. Neither Governor Barnett nor Lieutenant Governor Johnson were parties to this judgment. On the date of the entry of the judgment of the Court of Appeals, and on September 30, four Federal Judges had considered the case on its merits. Two judges found Meredith unqualified as a student without regard to race, and two held that he was qualified as a student and had been denied admission because of his race. This demonstrates that the issues were close and the final outcome doubtful. However, as two of the panel of the Court of Appeals held contrary to the District Judge, the finding of the Court of Appeals against the University prevailed.

On July 17 the Court of Appeals ordered the District Judge to issue an injunction requiring the Board of Trustees and officials of the University of Mississippi to admit Meredith as a student, and this injunction was thereupon issued. Neither Governor Barnett nor Lieutenant Governor Johnson were parties to this injunction. A stay of the execution of the order (which is the usual procedure in an important and closely contested case) was issued by a judge of the United States Court of Appeals. After several procedural maneuvers by both litigants in the Court of Appeals, a petition for writ of certiorari (method of obtaining an appeal) was filed by the Board of Trustees and University officials with the Clerk of the Supreme Court of the United States.

On August 31, 1962, the Attorney General of the United States and the Justice Department first intervened in the case, joining the attorneys for the NAACP who have represented James H. Meredith at all times in connection with the suit. They requested Mr. Justice Black of the United States Supreme Court to set aside the stay of execution then in effect. On September 10 Mr. Justice Black vacated the procedural stay of execution, stating that he had contacted other members of the Supreme Court (apparently by telephone) and they joined in finding that he had authority so to do.

Hereafter the petition for writ of certiorari requesting a review by the Supreme Court of the United States was pending on the docket of the Supreme Court. The Supreme Court entered no order on the merits of the case nor on the petition for writ of certiorari prior to September 30.

On September 13, Governor Ross Barnett announced that in his opinion the judgment entered against the Board of Trustees of the University of Mississippi and the University officials (to which he was not a defendant) did not affect his rights and duties as Governor under the Constitution and statutes of the State of Mississippi, and that he was not bound by such judgment. This immediately formed an issue between the plaintiff and the Governor of Mississippi as to whether the Governor was entitled to his "day in court" or was foreclosed by the litigation between other parties.

The method used to resolve such an issue under the statutes of the United States and the rules of procedure of the federal courts (similar to the principles in effect in the state courts) is that a person who believes he is not bound by a judgment to prevent its enforcement. Thereupon, a restraining order is obtained against him. This is followed by a "citation for contempt". After appropriate hearings, if the court determines the person is not bound, the restraining order is dissolved and the citation dismissed.

On the other hand, if it is held by the court after appropriate hearings that the person is bound by the judgment to which he was not a defendant, the court grants the temporary restraining order to a final injunction. Similar special procedure is also available. If affirmed, compliance is enforced by fines or imprisonment or both.

In September 1957, the Attorney General of the United States issued a temporary restraining order against the Governor of Mississippi, James V. Eastland, and Lieutenant Governor Johnson, for their failure to comply with the federal court's order. The order was issued on September 2, 1957, and was followed by a preliminary hearing on September 3, 1957. An order was entered on that date against Governor Eastland and Lieutenant Governor Johnson in absentia finding them guilty of contempt and citing them until October 2 to "purge" themselves. Citations to dissolve and dismiss the restraining order and citation were set for September 10, 1957. On September 30 the Attorney General of the United States authorized the judicial processes he had instituted, which were then pending, and used hundreds of armed marshals as a military unit and hundreds of troops to obtain immediately by armed force the end sought by him.

A record of the judicial processes in the Meredith case pending on September 30 is as follows:

- (a) The petition for certiorari (method of obtaining an appeal) in the original Meredith case was pending and undisposed of on the docket of the Supreme Court of the United States and the Court was scheduled to meet on October 2. Only a preliminary motion to set aside a procedural stay had been granted by Mr. Justice Black.
- (b) The legal test of the rights of the Governor of Mississippi (who was not a defendant in the original Meredith suit) which had been set up by Attorney General Kennedy through the temporary restraining order and the motion of the State to dissolve the restraining order and dismiss the proceedings was set for hearing on October 5. This proceeding is still pending on preliminary injunction and proceeding for criminal contempt against Governor Eastland and Lieutenant Governor Johnson.
- (c) Under the citation against the Governor based upon the temporary restraining order, the court had given the Governor until October 2 to decide whether he would permit registration of Meredith during the pendency of the legal proceedings. This citation is still pending.

On September 30, unwilling to permit completion of any of these judicial processes, Attorney General Kennedy rushed in more than 500

... marshals as a military unit and more than 12,000 troops to obtain the immediate registration of James E. Meredith at the University of Mississippi by the illegal use of military forces.

If the Attorney General had been willing to rely on these legal processes and not on unauthorized and illegal use of armed forces, the Court of Appeals and the Supreme Court of the United States would have been given an opportunity to pass upon the rights of Mississippi as one of the sovereign states and its Governor in the legal test which had been initiated by the Attorney General of the United States five days earlier. Whatever judgment such courts rendered would have been ultimately carried out. If the judgment were adverse, all legal remedies having been exhausted, registration would have been obtained by the use of pending legal processes. On the other hand, if the Governor and Lieutenant Governor had been permitted to be heard as new parties to the suit and to interpose additional defenses, they might have been successful and obtained a judgment in their favor.

Every element of this case required the exhaustion of every legal remedy by all parties to the suit. Precipitate action by the use of armed force was destructive of due process of law and of the proper relationship of federal government to each of its sovereign states.

Illegality of OPERATION BUREAU ROAD

Article IV, Section 4 of the Constitution of the United States provides, "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

Section 331 of Title 10, United States Code, is as follows: "Whenever there is an insurrection in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection."

President Kennedy did not issue Executive Order 11053 upon Section 331 of Title 10. Domestic violence did not exist and the Governor of the State of Mississippi did not request the use of armed forces. The only violence which occurred was that resulting from the use of armed forces by the Federal government when such forces incited the riot.

Article I, Section 8, Clause 15 of the Constitution grants the power to Congress "... to provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions."

Sections 332, 333 and 334 empower the President to "call into service such of the militia of any state, and use such of the Armed Forces, as he considers necessary" when "unlawful obstructions, combinations or assemblages" make it "impracticable to enforce the laws of the United States in any state or territory by the ordinary course of judicial proceedings" and to order "the insurgents to disperse."

Prior to September 8, 1957, Section 1993 of Title 42 of United States Code authorized the President of the United States "to employ such part of the land or naval forces of the United States...as may be necessary to aid in the execution of judicial process issued under..." certain of the laws of the United States. Realizing the possibility of the misuse of this power, on the same date Congress repealed Section 1993. Title III of the Civil Rights Bill introduced in Congress in 1957 proposed this same authority. Title III was stricken from the bill in the United States Senate. In 1960 similar authority was proposed; again it was stricken from the bill. In 1961 legislation granting such authority was again offered as an amendment to legislation pending in Congress. Again it was defeated. Nevertheless, President Kennedy usurped the power thus denied him.

Sections 332, 333 and 334 of Title 10 and Section 1993 of Title 42 existed side by side for more than 75 years. These sections construed together clearly differentiated between the use of Armed Forces to "enforce the laws of the United States" and the use of Armed Forces "to aid in the execution of judicial process". The repeal of Section 1993 left in effect the authority of the President of the United States to use the call into service of the militia of a State and to use the Armed Forces when it is "impracticable to enforce the laws of the United States in any state or territory by the ordinary course of judicial proceedings."

In issuing Executive Order 11652 the President ignored the fact that Congress had expressly taken from him the power to use Armed Forces to aid "in the execution of judicial process" thereby limiting such use to the enforcement of "the laws of the United States". Orders of federal district courts and federal courts of appeal are not "laws of the United States" in the constitutional and statutory sense.

As has been repeatedly publicly stated by President Kennedy and Attorney General Kennedy, the only purpose of federalizing the National Guard and using armed forces of the United States at the University of Mississippi was the enforcement of an order of the court. No statute or law of the United States was involved.

Even more important, however, is the fact that under Sections 332, 333 and 334 the power to use such forces arises only in those instances where it is impracticable to "enforce the laws of the United States in any state or territory by the ordinary course of judicial proceedings." President Kennedy based the issuance of the Executive Order upon Sections 332, 333 and 334 of Title 10.

As outlined above, on September 25 the Attorney General had invoked the ordinary course of judicial proceedings by obtaining a

restraining order against Governor Barnett and other state officials in the Court of Appeals of the Fifth Circuit. The ordinary course of judicial proceedings was thus being followed by Attorney General Kennedy. The restraining order was obtained on September 25 in the ordinary course of judicial proceedings; citation for contempt of court had been issued in the ordinary course of judicial proceedings; the hearing had been held upon such citation on September 28 in the ordinary course of judicial proceedings; a motion to dissolve the restraining order and to resume the proceeding was filed on September 28 in the ordinary course of judicial proceedings; a further hearing on the citation for contempt had been set for hearing on October 2 by the Court of Appeals of the Fifth Circuit in the ordinary course of judicial proceedings; the motion to dissolve and dismiss had been set for hearing on October 5 by the Court of Appeals of the Fifth Circuit in the ordinary course of judicial proceedings. During all of the time involved the petition for writ of habeas corpus in the original suit was pending on the docket of the Supreme Court of the United States. This petition was to come up for hearing on October 8 in the ordinary course of judicial proceedings.

Even if Sections 330, 332 and 334 of Title 10 should not be construed in relation to the repeal of Section 1993 of Title 42, the question presented to the existence of such power by the President did not exist. In September 25 the ordinary course of judicial proceedings had not been terminated. Attorney General Kennedy did not know whether enforcement of the order would be impracticable by such proceedings, and if not, what steps should be taken. What the Attorney General may have intended is immaterial. In fact, the Court of Appeals of the Fifth Circuit and the Supreme Court of the United States until this date, on Tuesday, October 2 to determine whether they would "purge" the records of contempt" by suspending the registration of "habeas corpus" until the completion of the ordinary course of judicial proceedings. Attorney General Robert F. Kennedy obtained from President John F. Kennedy Executive Order 11833 under which 22,000 members of the military forces of the federal government were utilized.

The Committee will not make this report a brief or present the records which support its position. We simply quote extracts from the Steel Seizure Cases, 343 U.S. 579, in which the Supreme Court of the United States said:

"The President's power, if any, to issue the order must stem either from an Act of Congress or from the Constitution itself."

"And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the First Article says that 'all legislative powers herein granted shall be vested in a congress of the United States'..."

"The Founders of this Nation entrusted the law-making power to Congress alone in both good and bad times."

In the concurring opinion of Mr. Justice Douglas, he stated:

"But, as Mr. Justice Black and Mr. Justice Frankfurter point out, the power to execute the laws starts and ends with the laws Congress has enacted."

Even if an order of a federal district court and of a federal court of appeals were, in the statutory and constitutional sense, "a law of the United States", it is clear that Sections 332, 333 and 334 of Title 10 were never intended to authorize the invasion of the State by armed forces of the United States to interrupt "the ordinary course of judicial proceedings".

In closing this report, the Committee expresses its indebtedness to Senator James O. Eastland, Senator John C. Stennis and the entire Congressional Delegation from Mississippi for the willing and effective assistance which they rendered to the Committee during all of its investigation. The Committee also expresses its appreciation to the representatives of the news media in Mississippi for the many courtesies they have shown it during past months.

RECOMMENDATIONS

The Committee has concluded its investigation of the manner and method of the administration and enforcement of laws by the offices, departments, agencies, institutions and instrumentalities involved, in accordance with the duty imposed upon it by the statute. It is filing this complete factual report with the Legislature that these facts may be before every member thereof and to permit study by them to determine whether or not there is a need for legislation by the State of Mississippi.

Having before it the facts ascertained in this investigation, the Committee is continuing its study of what corrective legislation may be desirable and will submit its recommendations concerning such legislation to the Legislature prior to its next session.

Respectfully submitted,

GENERAL LEGISLATIVE INVESTIGATING COMMITTEE

Representative Russell L. Fox, Chairman

Senator George F. Yarbrough, Vice-Chairman

Senator Frank D. Barber, Secretary

Representative W. Luther Sims

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